

Entered 12/16/09 sb
CL 09L1018 - LISA CARTER

10- R -0187

CLAIM OF: CEDRIC ARNOLD
6862 Mableton Parkway
Apartment 903
Mableton, Georgia 30126

For damages alleged to have been sustained as a
result of striking a damaged water manhole on
November 14, 2009 at 718 Ponce de Leon Avenue,
NE.

THIS ADVERSED REPORT IS
APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: _____

CHAIR: _____

FEB 01 2010

FEB 01 2010

ADVERSED BY
CITY COUNCIL

FEB 01 2010



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6030
FAX (404) 658-6273

February 9, 2010

Mr. Cedric Arnold
6862 Mableton Parkway
Apartment 903
Mableton, Georgia 30126

10-R-0187

Dear Mr. Arnold

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 1, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L1018

Date: December 31, 2009

Claimant /Victim CEDRIC ARNOLD

BY:(Atty)(Ins.Co.)

Address: 6862 Mableton Parkway Apartment 903 Mableton, Georgia 30126

Subrogation: Claim for Property damage \$ 5,046.81 Bodily Injury \$

Date of Notice: 12/07/09 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/14/09 Place: 718 Ponce de Leon Avenue, NE

Department Watershed Management Bureau: Drinking Water Office:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of striking a damaged water manhole at 718 Ponce de Leon, NE. An investigation determined that the city was on notice of problem at this location, but failed to make repairs in a timely manner. However, the claimant has elected to file a claim for his damages through his insurance carrier.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X Diagrams Reports: Police Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X

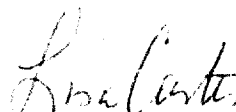
Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR – LISA CARTER

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation

Claims Manager:  Concur/date 01/07/10

Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RECEIVED
OFFICE OF
MUNICIPAL CLERK
2009 DEC -7 AM 10:05

RE: CLAIM FOR DAMAGES

Today's Date: 30 NOV 09

ENTERED - 12-16-09 - SB
09L1018 - L. CARTER

CARTER
12/15/09

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 5,046.81 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 14 NOV 09 2. Time of incident: 0130 3. Police called: NO, BECAUSE NO OTHER VEHICLE WERE INVOLVED & NO INJURIES.
4. Location of incident (including street address): NW PONCE DE LEON AT THE INTERSECTION OF CHARLES ALLEN DR.
5. Name of your insurance company: JSAA Policy No. 015789277
6. State what and how incident occurred: I WAS DRIVING DOWN NW PONCE DE LEON DOWN TOWN ATLANTA AROUND APPROX. 0130 IN THE MORNING. I PROCEEDED TO CROSS THE INTERSECTION OF PONCE DE LEON & CHARLES ALLEN DR WHEN MY CAR TIRES WENT INSIDE OF A HUGE POT HOLE IN THE STREET. SEE ATTACHMENTS
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.
Your vehicle: 2010 BIU0281 CEDRIC ARNOLD
(Make) (Year) (Tag Number) (Driver's Name)
City vehicle: N/A
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: DORIS MILLER
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

CEDRIC ARNOLD

(Print Claimant's Name)

6862 MABLETON PKWY APT. 903
(Address)

MABLETON, GA 30126
(City, State and Zip Code)

678-333-3418 770944-0535
(Work Number) (Home Number)

ADDRESS:
6862 MABLETON PKWY APT.903
MABLETON, GA 30126

10- R -0187

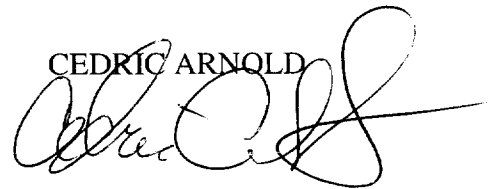
November 30, 2009

RE: CLAIM FOR DAMAGES

To Whom It May Concern:

On the 14th of Nov, at approximately 0130 I was traveling Northwest on Ponce De Leon when my vehicle struck a huge pot hole in the street crossing Charles Allen Dr. and Ponce De Leon. After the incident I immediately noticed that my vehicle had severe damage to my tires and rims (see attachment). I'm currently in the U.S. Navy stationed in Pensacola, FL on intermediate orders. At the time of the incident I was visiting my parents in Atlanta Ga. Due to the severity of the repairs to my vehicle I had to purchase 2 planes tickets from Atlanta Georgia to Pensacola Florida totaling \$300.00. I also had to rent a vehicle from the time of the incident which totaled \$800.00. There where also other miscellaneous expenses which include: vehicle repair, rim and tire replacement, vehicle alignment, shipping cost of tires and rims, airport fees, rental fees, and vehicle gas. My total claim with all fees and damages is \$5046.81. If you need any additional information please contact me at 678-333-3418. Email: arnoldc006@gmail.com

CEDRIC ARNOLD

A handwritten signature in black ink, appearing to read 'Cedric Arnold', with a long horizontal flourish extending to the right.

RCS# 42
2/01/10
2:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		02-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0118	36. 10-R-0182	
2. 10-O-0119	37. 10-R-0183	
3. 10-O-0120	38. 10-R-0184	
4. 10-O-0121	39. 10-R-0185	
5. 10-O-0122	40. 10-R-0186	
6. 10-O-0123	41. 10-R-0187	
7. 10-O-0126	42. 10-R-0188	
8. 10-O-0127	43. 10-R-0189	
9. 10-O-0128	44. 10-R-0190	
10. 10-O-0129	45. 10-R-0191	
11. 10-O-0220	46. 10-R-0192	
12. 10-O-0221	47. 10-R-0193	
13. 10-O-0057	48. 10-R-0194	
14. 10-O-0135	49. 10-R-0195	
15. 10-R-0134	50. 10-R-0196	
16. 10-R-0162	51. 10-R-0197	
17. 10-R-0227	52. 10-R-0198	
19. 10-R-0164	53. 10-R-0199	
20. 10-R-0165	54. 10-R-0200	
21. 10-R-0166	55. 10-R-0201	
22. 10-R-0169	56. 10-R-0202	
23. 10-R-0170	57. 10-R-0203	
24. 10-R-0171	58. 10-R-0204	
25. 10-R-0222	59. 10-R-0205	
26. 10-R-0228		
27. 10-R-0173		
28. 10-R-0174		
29. 10-R-0175		
30. 10-R-0176		
31. 10-R-0177		
32. 10-R-0178		
33. 10-R-0179		
34. 10-R-0180		
35. 10-R-0181		